

**CITY OF WHITTIER, ALASKA
RESOLUTION #29-2021**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER,
ALASKA, ACCEPTING CITY OWNERSHIP OF THE FORMER
WHITTIER TANK FARM PROPERTY FROM THE UNITED STATES
ARMY CORPS OF ENGINEERS CONSISTING OF APPROXIMATELY 58
ACRES FOR THE AMOUNT OF \$165,000, AND APPROPRIATING
FUNDS**

WHEREAS, Section 2841 of the National Defense Authorization Act for Fiscal Year 2011 authorized the Secretary of the Army to convey, with consideration, to the City of Whittier, all right, title, and interest of the United States to the approximately 58 acre parcel then known as the Whittier Tank Farm; and

WHEREAS, the property is located within Township 8 North, Range 5 East, Seward Meridian, and is identified as Lots 1 and 2, United States Survey 8726, dated 1 October 1986, and filed with the Anchorage Recorders Office on 11 October 1986; and

WHEREAS, the City and the US Army Corps of Engineers (Grantor) have completed the transfer documentation which necessitates approval by the City Manager of the Quitclaim Deed, and which is further subject to an Environmental Covenant approved the Alaska Department of Environmental Conservation; and

WHEREAS, the Grantor reserves a perpetual right and easement for construction, operation, maintenance and removal of a biovent equipment compound, biovent wells, sub-surface injection piping and remedial/monitoring equipment in order to mitigate any remaining biohazards on the property, as described in the Quitclaim Deed as attached hereto; and

WHEREAS, the Grantor hereby covenants, per Section 1(c) of the Quitclaim Deed, that "all remedial action necessary to protect human health and the environment with respect to any hazardous substance identified pursuant to section 120(h)(3)(A)(i)(I) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 remaining on the property has been taken before the date of this deed" and, per Section 1(d), that "any additional remedial action found to be necessary after the date of this deed shall be conducted by the United States."; and

WHEREAS, the City agrees that if an actual or threatened release of a hazardous substance is discovered on the property after the date of conveyance, the City shall be responsible for such release or newly discovered substance unless City can demonstrate that the release or newly discovered substance was due to the Grantor's activities, use or ownership of the property; and

WHEREAS, the City is aware that the subsurface soil and groundwater have been determined to have been affected by petroleum spills for the past use of the property as a fuel storage facility, and that there are limitations on the City' use of the property as further described in section 5 of the Quitclaim Deed; and

WHEREAS, the City is aware that the property is subject to an Environmental Covenant approved by the Alaska Department of Environmental Conservation, as attached to this Resolution, which subjects the property to certain activity and use limitations as set forth in the Environmental Covenant including remedies included, but not limited to the following: bioventing on the ARRC property; long-term monitoring on both the Tank Farm and ARRC property to measure changes in contaminant concentrations in groundwater; periodic reviews once every five years; assessment of the risks associated with vapor intrusion into any future buildings to be constructed on the ARRC property; institutional controls to protect human health, safety and welfare until cleanup levels are reached.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Whittier, Alaska that:

Section 1. The City hereby accepts the transfer of ownership of the Whittier Tank Farm property from the United States Army Corps of Engineers.

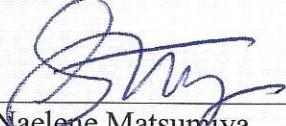
Section 2. The City Manager is hereby authorized to sign the Quitclaim Deed and any Environmental Covenant if necessary, and all documents necessary to facilitate transfer of ownership of the land to the City; and

Section 3. The City hereby agrees to the recitals contained in the Quitclaim Deed and the Environmental Covenant.

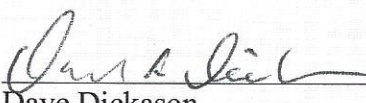
Section 4. Funding in the amount of \$165,000 is hereby appropriated from CPV reserves to the project expense account for land purchase, account no. 23-990-9200.

PASSED AND APPROVED by a duly constituted quorum of the Whittier City Council this 21st day of September, 2021.

ATTEST:



Naelene Matsumiya
City Clerk



Dave Dickason
Mayor

Ayes: 6
Nays: 0
Absent: 1
Abstain: 0